BILL NO. Z-86-04-24

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-6.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> The West one-half of Lot #251 in Hanna's Addition to the City of Fort Wayne, also commencing at the Southeast corner of Lot #250 in said Hanna's Addition; thence running West along the Southline of said Lot #250, 3 feet; thence North to the Northeast corner of said Lot #250; thence South along the East line of said Lot #250 to the place of beginning: EXCEPT THEREFROM: Commencing at a point 3 feet West of the Southeast corner of said Lot #250; thence running East on the South line of said Lots 250 & 251, 15 feet and 9 inches; thence North to the alley on the North line of said Lots #250 & 251; thence West on the North line of said Lots #250 & 251 to the Northwest corner of said Lot #251; thence South the place of beginning,

and the symbols of the City of Fort Wayne Zoning Map No. N-6, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

_____
Councilmember

APPROVED AS TO FORM AND LEGALITY:

_____
BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Eisbart, seconded by Stier, and duly adopted, read the second tim by title and referred to the Committee Regulations (and the Ci Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Way Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,E

DATE: 4-22-86 Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	____	____	_____	_____	_____
BRADBURY	____	____	_____	_____	_____
BURNS	____	____	_____	_____	_____
EISBART	____	____	_____	_____	_____
GiaQUINTA	____	____	_____	_____	_____
HENRY	____	____	_____	_____	_____
REDD	____	____	_____	_____	_____
SCHMIDT	____	____	_____	_____	_____
STIER	____	____	_____	_____	_____
TALARICO	____	____	_____	_____	_____

DATE: _____

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19____,

ATTEST: (SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____ at the hour of _____ o'clock _____.M.,E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____ 19_____, at the hour of _____ o'clock _____.M.,E.S.T.

WIN MOSES, JR., MAYOR

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

Check # 657

RECEIPT

No 570

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 3/6 19 86

RECEIVED FROM Carl McBride $ 50.00

THE SUM OF Fifty +00/00 100 DOLLARS

ON ACCOUNT OF Rezoning
427-429 E. Lewis

B. Steele
AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE Ice Cream Shop

I/We Carl & Irene Mc Bride
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R3 District to a/an B3B District the property described as follows:

The West one half of LOT #251 in Hanna's Addition

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 427 & 429 East Lewis St

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Madeline Mc Bride	1226 Lake Dr	Madel McBride
Carl Mc Bride	1226 Lake Dr	Carl E. McBride

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinan being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent Fremont, IN

(Name)	(Address & Zip Code)	(Telephone Number)
Carl E. Mc Bride	1226 Lake Dr - 46737	219-495-5414

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearin approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

The West one half of Lot Numbered 251 in Hanna's Addition To The City of Fort Wayne, also commencing at The Southeast Corner of Lot numbered 250 in said Hanna's Addition thence Running West along The South line of said Lot 3 feet thence North To The Northeast corner of said Lot; Thence South along The East Line of said Lot To the place of beginning; Except Therefrom; Commencing at a point 3 feet West of the Southeast corner of said Lot 250; thence running East on the South line of said Lots 15 feet 9 inches; Thence North To the Alley on the North line of said Lots; Thence West on The North line of said Lots To The Northwest Corner of said Lot 251 Thence South To the place of Beginning

Owners of Property

(Name)	(Address)	(Signature)
Madeline Mc Bride	1226 Lake Dr	Madeline McBride
Carl E. Mc Bride	1226 Lake Dr	Carl E. McBride

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 22, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-04-24; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 21, 1986;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 28, 1986.

Certified and signed this
29th day of April 1986.

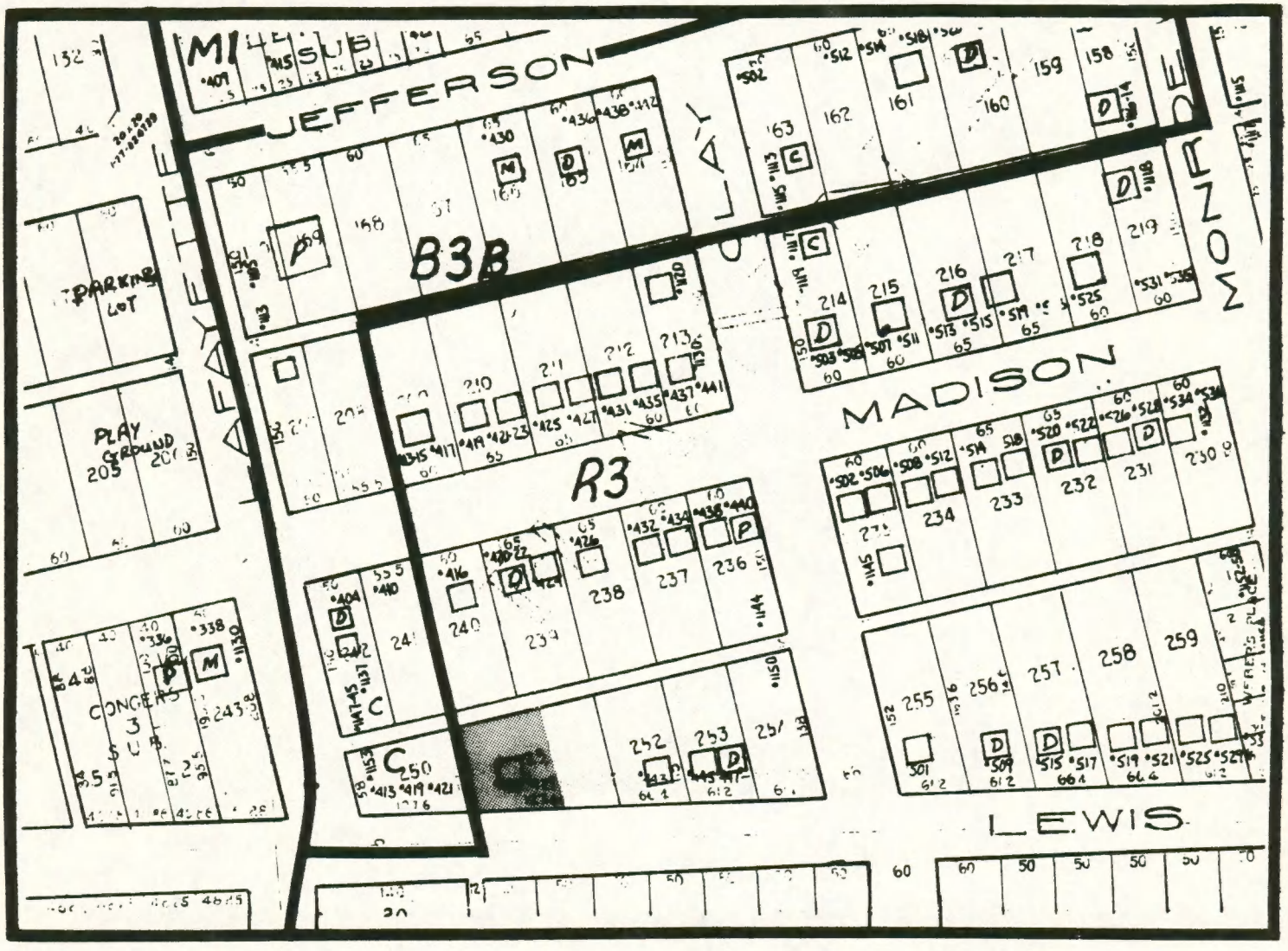
Melvin O. Smith
Secretary

REZONING PETITION #188

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN R3 DISTRICT TO A B-3-B DISTRICT.

MAP NO. N-6

COUNCILMANIC DISTRICT NO. 1



ZONING:

- R3 RESIDENTIAL DISTRICT
- M1 LIGHT INDUSTRY
- B3B GENERAL BUSINESS B
- B3A GENERAL BUSINESS A

LAND USE:

- □ SINGLE FAMILY
- D DUPLEX
- M MULTI-FAMILY
- C COMMERCIAL
- P PUBLIC-CHURCH

N

SCALE: 1"=165'

DATE: 4-7-86

FACT SHEET

Z-86-04-24
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment		

DETAILS

Specific Location and/or Address

427 & 429 E. Lewis Street

Reason for Project

Establish a soft ice cream store.

Discussion (Including relationship to other Council actions)

21 April 1986 - Public Hearing

Carl McBride, petitioner and owner of the property appeared before the Commission. Mr. McBride stated they intend to establish a soft ice cream shop in this structure if the property is rezoned.

Edith Kenna questioned what was presently on the property.

Mr. McBride stated it was a brick two-story home that has been setting vacant for 5 years.

Edith Kenna questioned what was either side of the property.

Mr. McBride stated that to the east the land was vacant and to the west was business.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Carl & Madeline McBride **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	☐ For ☒ Against **Reason Against** -adverse impact on area -establish an undesirable precedent
Board or Commission Recommendation	**By** ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

28 April 1986 - Business Meeting

A motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation, motion carried.

Of the 8 members present - 7 voted in favor of denial one did not vote.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 6 March 1986

Projected Completion or Occupancy **Date** 29 April 1986

Fact Sheet Prepared by **Date** 29 April 1986

Patricia Biancaniello

Reviewed by **Date** 29 April 1986

Gary Bretto 30 April 1986

Reference or Case Number

ORIGINAL

Admn. Appr. ____

COUNCILMANIC DISTRICT No. ____ DIGEST SHEET

ORIGINAL

3-86-04-24

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE LAnd Use Management - CD&P

SYNOPSIS OF ORDINANCE 427 & 429 East Lewis Street

EFFECT OF PASSAGE Property is now zoned R-3 - Multi-Family Residential, Property will become B-3-B - General Business.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

Regulations

Hold

BILL NO. Z-86-04-24

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ Amending the City of Fort Wayne Zoning Map No. N-6

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

YES		NO
_____	BEN A. EISBART CHAIRMAN	_____
_____	JANET G. BRADBURY VICE CHAIRWOMAN	_____
_____	DONALD J. SCHMIDT	_____
_____	THOMAS C. HENRY	_____
_____	CHARLES B. REDD	_____

CONCURRED IN _____

SANDRA E. KENNEDY
CITY CLERK